

THROG'S POINT, LONG ISLAND.

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**LETTER**

**FROM THE SECRETARY OF WAR,**

**TRANSMITTING**

**THE INFORMATION REQUIRED**

**BY A**

*Resolution of the House of Representatives, of the twenty-third instant,*

**IN RELATION TO THE PURCHASE OF**

**Throg's Point on Long Island Sound**

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**JANUARY 26, 1826.**

**Read, and referred to the Committee of Ways and Means.**

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**WASHINGTON :**

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**1826.**



## DEPARTMENT OF WAR,

*January 24, 1826.*

SIR: In obedience to the resolution of the House of Representatives, of the 23d of January, 1826, directing "that the Secretary of War inform the House whether any arrangement has been made for the purchase of Throg's Point, on Long Island Sound; and, if any has been made, what sum will be necessary to carry the same into effect," I have the honor to submit the accompanying report of the Chief Engineer, who was intrusted with the negotiation for the purchase of Throg's Point, under the direction of my predecessor, for the information required by the abovementioned resolution.

As the present moment is probably the most favorable for obtaining the lands on Throg's Point, I would respectfully recommend that an appropriation be made for fulfilling the agreement entered into for the purchase of the Point, and also for the purchase of the right of way from the Point to the public road, as stated in the accompanying documents furnished by the Chief Engineer.

I have the honor to be,

Sir, very respectfully,

Your obedient servant,

JAMES BARBOUR.

To the Hon. JOHN W. TAYLOR,

*Speaker of the House of Representatives.*



## ENGINEER DEPARTMENT,

*Washington, 24th January, 1826.*

SIR: In obedience to your directions, to state whether any arrangement has been made for the purchase of Throg's Point, on Long Island Sound, and if any has been made, what sum will be required to carry the same into effect, as required by the resolution of the House of Representatives, of yesterday, I have the honor to inform you, that a conditional agreement was entered into between this Department and Mr. C. H. Hammond, on the 18th of February last, by direction of the Secretary of War, for the purchase of Throg's Point, containing about fifty-two acres, for the sum of fifteen thousand dollars. Throg's Point is the site of a fort projected by the Board of Engineers, for the defence of the city of New York. Three acres of the fifty-two have been selected for a light-house; and, on finding a difficulty in procuring the site for the light-house, the Collector of New York made an application to the Legislature of the State, on behalf of the United States, for the cession of the jurisdiction of the three acres, and for the appointment of appraisers to ascertain the value of the land and the damage which would be sustained in consequence of a light-house being placed thereon. The cession was made, and the appraisers appointed, who, under oath, awarded the sum of ten thousand five hundred dollars; which, however, the Government did not think proper to accept. By the agreement entered into with Mr. Hammond, the whole of the Point, including the site for the light-house, was to be conveyed to the United States, for the sum of fifteen thousand dollars, on the condition of Congress making the appropriation, viz: 14,000 dollars to be paid by the War Department, and 1,000 dollars to be paid by the Treasury Department. A difficulty arose about a right of way leading to the public road; but Mr. Hammond, the present proprietor, renewed the agreement, with the addition of the right of way, under certain conditions, which were accepted. Copies of the agreement, and of the acceptance, are submitted, together with Colonel Totten's opinion of the property; also, the correspondence on the subject, which has been submitted to the Committee of Finance of the Senate, at the last session of Congress; but as there was not time to act upon the subject, the Chairman returned the papers to the War Department. The papers referred to, and accompanying this report, are numbered from 1 to 8. In addition to these documents, a letter has been received from Mr. C. H. Hammond, dated the 5th of last month, stating his willingness to abide by the agreement referred to, until the end of the present session of Congress, with the exception of that part which relates to right of way—upon which subject he recurs to the original proposition, viz: to take 2,000 dollars for the right of way, as prescribed in the agreement,



or to leave the amount to be paid to the award of arbitrators, to be appointed by both parties. I would recommend the acceptance of the right of way, at two thousand dollars, as offered, rather than submit it to arbitration, or to leave it to future adjustment. A copy of Mr. Hammond's letter of the 5th of December, is herewith transmitted, marked A.

All which is respectfully submitted.

ALEX. MACOMB,

*Maj. Gen. Chief Engineer.*

To JAMES BARBOUR,

*Secretary of War.*

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No. 1.

NEW YORK, December 9, 1823.

SIR: Your letter of the 2d instant, on the subject of the value of Throg's Point, is at hand. I am not in possession of any maps, from which I can ascertain the quantity of land which ought to belong to the Government, in the event of their erecting the work projected for Throg's Point, but my impression is, that a tract of fifty acres would have its western boundary far enough inland for all purposes. You, however, on consulting the maps in the Topographical bureau, will be able to determine this matter with certainty.

As to the price demanded by Mr. Hammond, I have to observe that, though it is greatly beyond the real value of the land, there is no reason to doubt, from all experience in such transactions, and especially from the appraisement made, under oath, of three acres of this Point for a light house, that Mr. Hammond is right in saying that \$15,000 "is a price much below what it will even be had for by appraisement, or in any other way, after it has passed into other hands." Owners and appraisers always seem to act as well on the principle that it is fair to take advantage of the necessities of the General Government, or on the more just ground, that the damage is rather in bringing a body of soldiers, often undisciplined, into the neighborhood of the farmer, than in reducing his farm. If, in the case of a light house being required on the ground, which could only open the way to trifling depredations in comparison, such heavy damages were assessed by a jury, we may infer that damages at least not less heavy would be given, when the ground was wanted for a military establishment. It is probable that, in treating with Mr. Hammond, as to the exact limits, you may be able to obtain some reduction in the price, but I am of opinion that this tract can never be bought by the Government at so reasonable a rate, as under the circumstances which now induce Mr. Hammond to offer it. He cannot, indeed, obtain so much from an individual for farming purposes, as he demands; but, on the other hand, he cannot sell the rest of his land advantageously,

if he sell this to the Government. If the *whole* is bought by an individual, it will be with the determination of getting as much as possible for what the Government may require. If the commencement of a work there, were known to be at hand, I have no doubt Mr. Hammond's price would readily be given by moneyed men here on speculation.

I have the honor to be,

Very respectfully, &c.

JOS. G. TOTTEN,

*Major Eng's. Brev. Lt. Col.*

Brev. Maj. Gen. ALEX. MACOMB,  
*Colonel Com'g U. S. Engineers.*

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No. 2.

ENGINEER DEPARTMENT,

*Washington, December 18, 1823.*

SIR: The Secretary of War has examined your report of the 9th instant, with regard to the piece of Mr. Hammond's property at Throg's Point, whereon it is contemplated to erect a fort and light house, estimated to be worth \$15,000, and I am instructed by the Secretary of War to direct you to enter into a conditional purchase of the said property, for the sum of fifteen thousand dollars, to be paid for by an appropriation from Congress this session, viz. fourteen thousand dollars by the War Department, and one thousand by the Treasury Department; the purchase to be on the contingency of the appropriation. You will employ a suitable person to examine the titles and papers, and to draw the instrument conveying the land to the United States, in due form. You will attend to this subject as early as possible.

I have the honor to be, &c.

ALEX. MACOMB.

*Maj. Gen. Chief Eng.*

Lieut. Col. J. G. TOTTEN,  
*Corps of Engineers, New York.*

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No. 3.

ENGINEER DEPARTMENT,

*Washington, February 21, 1825.*

SIR: A letter was filed in this office, by Mr. David B. Ogden, of New York, dated the 18th of November, 1823, from A. Hammond, Esquire, of New York, stating, that the Government of the United

States wanted a part of his land, (Throg's Point,) to erect a light-house thereon; and that, on his refusing to sell it, an application was made by the Collector of New York, on behalf of the United States, to the Legislature of the State, for the cession of the jurisdiction of three acres of the Point, and for the appointment of appraisers to ascertain on oath the value of the land, and the damage which he would sustain in consequence of a light-house being placed thereon: that the cession was made, and appraisers appointed, who awarded \$10,500; and that the Government of the United States had not thought proper to accept a conveyance of the land, upon the terms of the appraisement. The three acres of land in question are part of the position which the Government will require, for the site of a Fort projected by the Board of Engineers for the defence of the city of New York; and, as Mr. Hammond was desirous of selling his property at the Point, Mr. D. B. Ogden was authorized by him to offer the whole Point, consisting of fifty-two acres and upwards, for the sum of \$ 15,000. Colonel Totten, of the Engineers, was directed to ascertain the value of the land offered by Mr. Hammond, and to report his opinion to this Department, in order that the same might be laid before you, and, if approved, the necessary appropriation asked for the purchase of the site. The report of Colonel Totten was examined by you, and I was directed to instruct Colonel Totten to make a conditional purchase of the said property for the sum of \$15,000, to be paid for out of an appropriation to be made by Congress, viz: \$14,000 to be paid by the War Department, and \$1000 by the Treasury Department; the purchase to be made upon the contingency of an appropriation, as will appear from my letter to him, dated 18th December, 1823, a copy of which is submitted herewith; also, a copy of Colonel Totten's report, dated the 9th of December, 1823, before alluded to. A difficulty, however, arose about a right of way leading to the public road; but Mr. Charles H. Hammond, the present proprietor, has since renewed the agreement, with the addition of a right of way, under certain conditions, which have been accepted. Copies of the agreement, and acceptance thereof, are submitted, together with Colonel Totten's opinion of the value of the property. I am acquainted with the position, and am clearly of opinion that the terms are reasonable, and more so than could be obtained, in any way, hereafter; and, considering the difficulty, expense, and delay of acquiring land under appraisements, I recommend that an appropriation of \$14,000 be asked, in order that the site may be procured before the commencement of the contemplated Fortifications, one thousand dollars being now in the Treasury applicable to this purpose.

Respectfully submitted,

ALEX. MACOMB,

*Maj. Gen Chief Engineer.*



## No. 4.

The owners of Throg's Point, in the county of West Chester, in the State of New York, will accept the offer made by the Secretary of War, for the purchase of the said Point, for the use of the Government of the United States, at the sum of fifteen thousand dollars, provided the money be paid, and the purchase completed, on or before the first day of April next. Should the money not be paid by that time, this agreement is not to be considered as binding on the owners of said Point.

The owners will also agree to sell to the United States, ground for a road to the said Point, for the farther sum of two thousand dollars, the said road to be laid over that part of the property of the present owners of the said Point, which is under the bank on the West side of the farm lately belonging to Abijah Hammond, Esq. beginning at the most Westerly dock on said farm, and running thence, above high water mark, along the margin of the Sound to the Point, the land to be conveyed for said road whenever the Government may please to pay the said sum of two thousand dollars; it being always understood, that the owners of said land, lately belonging to Abijah Hammond, Esq. shall have the privilege of using said road. Dated this 18th February, 1825.

C. H. HAMMOND.

If the Government is not satisfied with the *amount* named in the above agreement for the purchase, &c. of the land for a road to Throg's Point, the owners of the Point are willing to leave that question subject to arbitration, whenever the United States may require the road.

C. H. HAMMOND.

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No. 5.

WASHINGTON, February 18th, 1825.

SIR: I agree to the alteration made in my proposition, viz: to limit the award of arbitrators as to the right of way. I wish it to be understood, however, that, if Congress should not make the necessary appropriation this session, that I do not consider any part of the arrangement as binding on my part.

Very respectfully,

Your obedient servant,

C. H. HAMMOND.

Maj. Gen. MACOMB.

No. 6.

WASHINGTON, February 18th, 1825.

SIR: In relation to the subject just referred to me, namely, the contemplated purchase of Throg's Neck I have only to remark, that I have hitherto considered that the sum of \$ 15,000, demanded by Mr. Hammond for the tract of about fifty two acres, is not unreasonable: and I am still of the same opinion. As to the farther sum of \$ 2,000, for a road way along the water's edge, from the said tract to the public road, at the ferry, I am not competent to express any opinion; for, in such cases, the proper amount depends rather on the inconveniences and damages arising to one part, than the value of the accommodation to the other. It is to be remembered, that the present proprietors are not willing to sell the tract of fifty-two acres for the price stated, unless they are allowed to make a bargain at the same time for the right of way; or, in other words, they will not sell at all, if, by doing so, they are to leave any point to be mooted as to a *legal* right of way.

The proposition is now simply this, to sell the tract, and also a road way for \$ 17,000, two thousand dollars of this sum to be paid whenever the United States think proper to improve the privilege as to the right of way.

Since the above was written, Mr. Hammond has suggested this alternative, viz: to sell for \$ 15,000, leaving the price to be paid for the road way to be determined by arbitration, whenever the United States may require the road.

I have the honor to be,

Very respectfully, &c.

JOS. G. TOTTEN.

*Maj. Engs. Bt. Lt. Col.*

Bt. Maj. Gen. ALEX. MACOMB,  
*Col. Com'g. U. S. Eng's.*

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No. 7.

ENGINEER DEPARTMENT,

Washington, Feb. 18, 1825.

SIR: I have submitted to the Secretary of War your proposition to sell Throg's Point, in the county of West Chester, in the state of New York, to the United States, for the sum of fifteen thousand dollars, as stated in your agreement, of this date, with the right of way, as proposed therein: and I am instructed to say, that the Secretary of War accepts the offer, provided, that the award of the arbitrators,

as to the right of way, should the government require it, should not exceed two thousand dollars. It is understood that this arrangement cannot be binding without the assent of Congress, or the money paid until an appropriation be made.

I am, sir, very respectfully,

Your obedient servant,

ALEX. MACOMB,

Maj. Gen. Chief Eng.

C. H. HAMMOND, Esq.  
*Washington City.*

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No. 8.

WAR DEPARTMENT,

*February 21st, 1825.*

SIR: I have the honor to lay before you the accompanying report of the Chief Engineer, stating the advantages of procuring, at this time, the site selected by the Board of Engineers for a fort, to be built on Throg's Point, on the East river, in the state of New York, for the defence of the city of New York, and recommending the purchase of the same, as will more fully appear by reference to his report, and the papers connected with it. The proprietors of the site are willing to sell to the government the quantity of land requisite for a site of a fort, and light house, on terms which are thought reasonable. I submit to the consideration of the Committee, the propriety of their recommending, at this time, the appropriation of a sum necessary to enable the Government to avail itself of the offer of the proprietors, viz: fourteen thousand dollars for this Department, the sum of one thousand dollars, applicable to this purpose, being now at the disposal of the Treasury Department.

I have the honor to be, &c.

J. C. CALHOUN.

The Hon. SAMUEL SMITH,

*Chairman of the Committee of Finance of the Senate of the U. States.*

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A.

NEW YORK, 5th December, 1825.

SIR: As the agreement made on the 18th February last, between the Department of War and myself, on the part of the owners of Throgs' Point, for the sale thereof, was not to be binding upon us after the 1st April ensuing, we beg to inform the Department that we are willing to abide by that agreement until the end of the present

Session of Congress, with the exception, however, of that part of it which relates to compensation for the right of way. Upon this subject we have decided to recur to our original proposition, viz: we will either take two thousand dollars for the right of way, as prescribed in the agreement, or we will leave the amount to be paid to the award of arbitrators to be appointed by both parties.

We would remind the Department that two acres (or three) of this Point, are already in possession of the United States, for which we have never yet received \$10,000 awarded by the appraisers appointed by an act of the Legislature of the state of New York, at the application of the Government of the United States. You are aware that the proposal to sell the whole Point (say fifty-two acres more or less) for \$15,000 would include the \$10,000 for the two or three acres already ceded.

Very respectfully, I am,

Your obedient servant,

C. H. HAMMOND.

Maj. Gen. MACOMB, *Chief Engineer.*